

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claims 43, 48, 50 and 51 have been amended to correct typographical errors. No new matter has been added.

II. 35 U.S.C. § 103(a) Rejections

Claims 43-45, 51, 52 and 55-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell et al. (U.S. 6,367,019) and Moribe et al. (U.S. 5,886,979). Further, dependent claims 46-50, 53 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell, Moribe, and Lotspiech (U.S. 6,609,116). Additionally, claim 59 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell, Moribe and the Examiner's Official Notice. These rejections are believed clearly inapplicable to claims 43-59 for the following reasons.

Independent claim 43 is directed to an apparatus for recording encrypted content onto a recording medium. Further, claim 43 recites that the apparatus includes a storing unit that stores a piece of key revocation data that includes encrypted media keys, such that each encrypted media key is generated (i) for a respective unrevoked reproduction apparatus of a plurality of unrevoked reproduction apparatuses, and (ii) by encrypting a media key based on a device key assigned to the respective unrevoked reproduction apparatus. In addition, claim 43 recites that the apparatus includes a comparing unit that, when the content is to be recorded onto the

recording medium, confirms whether or not a piece of key revocation data exists on the recording medium. Finally, claim 43 recites that the apparatus includes a writing unit that, when the comparing unit confirms that the piece of key revocation data does not exist on the recording medium, records the encrypted content, an encrypted content key, and the piece of key revocation data stored in the storage unit into a rewritable area of the recording medium.

As a result, the structure required by claim 43 provides a feature such that, even when the recording medium does not contain the key revocation data, it is possible to provide protection of the content recorded to the recording medium by recording the piece of key revocation data stored in the storage unit to the rewritable area of the recording medium.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Ansell fails to disclose or suggest the features of the comparing unit, as recited in claim 44. In light of the above, this rejection relies on Moribe for teaching the above-mentioned features which are lacking from Ansell.

However, Moribe merely teaches that identification information 1 is recorded onto a key recording area A1 (including a plurality of sectors) of a recording medium D, such that the identification information 1 is key information that is different for each recording medium D, and such that the identification information 1 comprises sectors that are not capable of normal recording and sectors that are capable of normal recording. Further, according to Moribe, the sectors that are not capable of normal recording are generated by (i) irreversibly recording test patterns according to an ISO/IEC 13963 standard on respective sectors of the zero, third, sixth and ninth logical sectors, using an irradiation of laser beams of a linear speed of 3 m/sec., and 25 mW in recording power during an application of an erasing direction of a magnetic field direction. Moreover, Moribe teaches that the irreversibly recorded area is unrewritable and non-

erasable. Moribe also teaches that when the recording medium D is put into a recording/reproducing apparatus, the recording/reproducing apparatus judges whether or not the identification information 1 is recorded in on the recording medium D. When the identification information 1 is not recorded, the usual recording/reproducing control is effected with original firm information (see col. 7, lines 55-65; Fig. 2; col. 7, line 66 to col. 8, line 20; col. 8, lines 34-53; Fig. 6, steps S21 and S22; and col. 10, lines 19-33).

Thus, in view of the above, it is clear that Moribe teaches that the recording/reproducing apparatus judges whether or not the identification information 1 is recorded on the recording medium D, but fails to disclose or suggest confirming whether or not a piece of key revocation data (including a plurality of encrypted media keys) exists on the recording medium, as recited in claim 43.

The Applicants would like to point out that Moribe and claim 43 are similar in that it is judged whether or not “information” is recorded onto a recording medium. However, this “information,” as disclose by Moribe is the identification information 1, which is key information that is different for each recording medium. Whereas, claim 43 recites that the “information” is key revocation data that is composed of a plurality of encrypted media keys.

As a result, it is respectfully submitted that Moribe’s disclosure of “judging whether or not key information that is different for each recording medium” is recorded on a recording medium, is not a disclosure or suggestion of confirming whether or not a piece of key revocation data (including a plurality of encrypted media keys) exists on the recording medium, as recited in claim 43.

Additionally, in view of the above, it is apparent that Moribe teaches that the “identification information 1” is related to a physical aspect of the recording medium. More

specifically, as mentioned above, the identification information 1 is composed of “a combination of sectors not capable of normal recording and sectors capable of normal recording.” On the other hand, the “key information data,” as recited in claim 43, is not related to physical characteristics, but is rather information that is recorded in a rewritable and erasable condition.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 43 and claims 44-54 and 59 that depend therefrom would not have been obvious or result from any combination of Ansell and Moribe.

Furthermore, the Applicants note that the Ansell reference was relied upon for disclosing the above-mentioned storing and writing unit, as recited in claim 43.

However, Ansell merely teaches that secure portable tracks (SPT) 116 are downloaded to a portable player 150 and stored in a recording medium 202, such that the SPT 116 includes a header 302 that has a number of bindings 400 that includes a storage key identification field 406 and an encrypted media master key field 408. In addition, Ansell teaches that the storage key identification field 406 stores data that identifies a storage key by which a master key is encrypted, such that the master key is a key by which the substantive content of the SPT 116 is encrypted. The storage key is maintained in secrecy and is allocated to a specific external player. Further, Ansell teaches that the media master key field 408 stores data representing an encrypted representation of the master key (see col. 5, line 10 to col. 6, line 65; and Figs. 3 and 4).

Thus, according to Ansell, whether or not the external player is revoked cannot be determined from the SPT 116, because the SPT 116 merely includes the storage key identification field 406 and the encrypted media master key field 408. As a result, it is apparent that Ansell fails to disclose or suggest storing a piece of key revocation data that includes encrypted media keys, such that each encrypted media key is generated (i) for a respective

unrevoked reproduction apparatus of a plurality of unrevoked reproduction apparatuses, and (ii) by encrypting a media key based on a device key assigned to the respective unrevoked reproduction apparatus, and when the comparing unit confirms that the piece of key revocation data does not exist on the recording medium, records the encrypted content, an encrypted content key, and the piece of key revocation data stored in the storage unit into a rewritable area of the recording medium, as recited in claim 43.

In other words, according to Ansell, the revocation of the external player cannot be determined from the SPT 116, which allows for the possibility of a normal key being provided to a revoked external player and thus, allows unauthorized use of content, whereas, according to claim 43, as long as a recording medium is used in a reproduction apparatus, the reproduction apparatus will be unrevoked and the content will not be used in an unauthorized manner.

Regarding dependent claims 46-50, 53, 54 and 59, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansell and Moribe in view of various combinations of Lotspiech and the Examiner's Official Notice, it is respectfully submitted that Lotspiech and the Examiner's Official Notice does not disclose or suggest the above-discussed features of independent claim 43 which are lacking from the Ansell and Moribe references. Therefore, no obvious combination of Ansell and Moribe with Lotspiech and/or the Official Notice would result in, or otherwise render obvious, the invention recited independent claim 43 and claims 46-50, 53, 54 and 59 that depend therefrom.

Furthermore, there is no disclosure or suggestion in Ansell, Moribe, Lotspiech and/or Official Notice or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Ansell, Moribe, Lotspiech and/or the Official Notice to obtain the invention of independent claim 43. Accordingly, it is respectfully submitted that independent

claim 43 and claims 44-54 and 59 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 55, 56, 57 and 58 are directed to a method, a program, a storage medium and a system, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 43. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 55, 56, 57 and 58 are allowable over any combination of Ansell, Moribe, Lotspiech and/or the Official Notice.

III. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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